

**§ 1265.325 What happens if I do business with an excluded person in a covered transaction?**

If as a participant you knowingly do business with an excluded person, we may disallow costs, annul or terminate the transaction, issue a stop work order, debar or suspend you, or take other remedies as appropriate.

**§ 1265.330 What requirements must I pass down to persons at lower tiers with whom I intend to do business?**

Before entering into a covered transaction with a participant at the next lower tier, you must require that participant to—

(a) Comply with this subpart as a condition of participation in the transaction. You may do so using any method(s), unless § 1265.440 requires you to use specific methods.

(b) Pass the requirement to comply with this subpart to each person with whom the participant enters into a covered transaction at the next lower tier.

DISCLOSING INFORMATION—PRIMARY  
TIER PARTICIPANTS

**§ 1265.335 What information must I provide before entering into a covered transaction with NASA?**

Before you enter into a covered transaction at the primary tier, you as the participant must notify the NASA office that is entering into the transaction with you, if you know that you or any of the principals for that covered transaction:

(a) Are presently excluded or disqualified;

(b) Have been convicted within the preceding three years of any of the offenses listed in § 1265.800(a) or had a civil judgment rendered against you for one of those offenses within that time period;

(c) Are presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses listed in § 1265.800(a); or

(d) Have had one or more public transactions (Federal, State, or local) terminated within the preceding three years for cause or default.

**§ 1265.340 If I disclose unfavorable information required under § 1265.335, will I be prevented from participating in the transaction?**

As a primary tier participant, your disclosure of unfavorable information about yourself or a principal under § 1265.335 will not necessarily cause us to deny your participation in the covered transaction. We will consider the information when we determine whether to enter into the covered transaction. We also will consider any additional information or explanation that you elect to submit with the disclosed information.

**§ 1265.345 What happens if I fail to disclose information required under § 1265.335?**

If we later determine that you failed to disclose information under § 1265.335 that you knew at the time you entered into the covered transaction, we may—

(a) Terminate the transaction for material failure to comply with the terms and conditions of the transaction; or

(b) Pursue any other available remedies, including suspension and debarment.

**§ 1265.350 What must I do if I learn of information required under § 1265.335 after entering into a covered transaction with NASA?**

At any time after you enter into a covered transaction, you must give immediate written notice to the NASA office with which you entered into the transaction if you learn either that—

(a) You failed to disclose information earlier, as required by § 1265.335; or

(b) Due to changed circumstances, you or any of the principals for the transaction now meet any of the criteria in § 1265.335.

DISCLOSING INFORMATION—LOWER TIER  
PARTICIPANTS

**§ 1265.355 What information must I provide to a higher tier participant before entering into a covered transaction with that participant?**

Before you enter into a covered transaction with a person at the next higher tier, you as a lower tier participant must notify that person if you